

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5600 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAYANTBHAI CHHANABHAI

PRAJAPATI

Versus

COMMISSIONER OF POLICE

Appearance:

Mr RC Kodikar for Mr VIJAY H PATEL for Petitioner

Mr K M Mehta, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/11/96

ORAL JUDGEMENT

By way of this Special Civil Application, the petitioner has challenged the order of detention dated 28.6.1996 passed by the Commissioner of Police, Ahmedabad City under the provisions of Gujarat Prevention of Anti-Social Activities Act, 1985 (for short, 'the Act'). It is alleged that the petitioner is a "dangerous person". There are as many as 8 cases registered against him at various Police Station during the period 1993 1996

for offences under sections 379, 114 and 447 of IPC. Learned Advocate for the petitioner relying on a judgment of the Apex Court in the case of Mustakmiya Jabbarmiya Shaikh v. M M Mehta, Commissioner of Police, Ahmedabad, reported in 1995 (3) SCC 237 submits that simply because some stray cases under the IPC have been registered against a person, he cannot be said to be a "dangerous person" under section 2(c) of the Act.

2. I have gone through the materials on record with the assistance of the learned Advocates. The cases registered against the petitioner are with respect to theft of scooter, luna etc. There is nothing to show that how the person is a "dangerous person". In absence of such materials, petitioner's detention is illegal and it cannot be sustained.

3. In view of the aforesaid, this Special Civil Application is allowed. Order of detention dated 28.6.1996 is quashed and set aside and direct that the detenue be set at liberty forthwith unless required in connection with any other case.

Rule made absolute accordingly.

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